## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

FREEDOM FROM RELIGION	§
FOUNDATION, INC.	§
Plaintiff,	§
	§
-VS-	<b>S</b> CASE NO. 1-16: CV-00233
	§
<b>GOVERNOR GREG ABBOTT, in his</b>	§
official and individual capacities, and	§
ROD WELSH, Executive Director of the	§
Texas State Preservation Board, in his	§
official capacity,	§
Defendants.	§

## **FINAL JUDGMENT**

BE IT REMEMBERED, on the 14<sup>th</sup> of May, 2018, the Court entered its order dismissing Plaintiff, Freedom From Religion Foundation, Inc.'s ("FFRF"), Establishment Clause claim against Governor Abbott and Executive Director Welsh in their official capacities, as well as Plaintiff's freedom of speech claim against Governor Abbott in his individual capacity. The Court has previously granted summary judgment in FFRF's favor on the First Amendment Freedom of Speech claim brought by FFRF against Governor Abbott and Executive Director Welsh in their official capacities, and the Court of Appeals has directed this Court to enter prospective relief in favor of FFRF. The Court accordingly hereafter enters the following:

- 1. IT IS ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of FFRF on FFRF's First Amendment Freedom of Speech claim.
- 2. IT IS FURTHER DECLARED that Defendants do violate FFRF's First Amendment rights and engage in viewpoint discrimination as a matter of law, in violation of 42 U.S.C. § 1983, by excluding FFRF's Bill of Rights and Winter Solstice exhibit from the Texas



State Capitol building based on the exhibit's message or perceived message, which violation is

continuing and subject to this declaration prospectively

3. IT IS FURTHER DECLARED, as directed by the Fifth Circuit Court of Appeals,

that FFRF is entitled to prospective relief.

4. IT IS FURTHER ORDERED that the Defendants shall allow FFRF's Bill of Rights

and Winter Solstice exhibit to be displayed in the Texas State Capitol building, without regard for

its message or perceived message.

IT IS FURTHER ORDERED that the Defendants are enjoined from excluding, 5.

removing or denying FFRF permission to display its Bill of Rights and Winter Solstice exhibit in

the Texas State Capitol building on the basis of the exhibit's message or perceived message.

IT IS FURTHER DECLARED that the Defendants' "public purpose" standard, 6.

codified in 13 Tex. Admin. Code § 111.13(a)(3), is prospectively unenforceable as an

unconstitutional prior restraint lacking objective and definite standards to guide state officials in

their decision making.

7. IT IS FURTHER ORDERED that FFRF shall recover attorneys' fees and costs,

pursuant to 42 U.S.C. § 1988.

Dated this day of July, 2020.

Sam Sparks

Senior United States District Judge

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